

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X	
UNION CAPITAL GROUP, LLC,	: Case No.: 1:21-cv-01741-LDH-
	: PK
 Plaintiff	 :
 - against -	 :
	DECLARATION IN SUPPORT OF MOTION TO BE RELIEVED
 SULTAN CAPITAL GROUP, LLC, a New York corporation, and GUY SULTAN,	 : : :
 Defendants.	 :
-----X	

Paul M. Sod, an attorney duly admitted in this court and attorney of record for the defendants Sultan Capital Group, LLC and Guy Sultan, affirms the truth of the following under penalties of perjury:

1. That I am attorney for the defendants herein and entered as attorney of record on December 3, 2021 by filing a notice of appearance on that date. See ECF Document 24.

2. In such capacity, I have entered into a discovery schedule on behalf of the Defendants, served Interrogatories, Requests for Production and Requests for Admissions on Plaintiffs, complied with discovery requests previously served by Plaintiffs, and prepared and served Rule 26(b) disclosures. In addition I submitted a reply on the pending motion for defendants to obtain leave to file a third party complaint.

3. Despite my diligent work on behalf of the Defendants, Mr. Guy Sultan discharged me from representing the Defendants on January 18, 2022. As set forth in the Guy Sultan Declaration dated January 19, 2022 which is submitted herewith as part of this motion, the

reason for Mr. Sultan discharging me from representing the defendants is that he does not have funds to pay for my services.

4. Before Mr. Sultan discharged me, I explained to him that it is more likely that he will lose this case without legal representation and that his counter-claims/third party claims will likely fail. As set forth in the ¶4-5 of his Declaration, Mr. Sultan expressed that he understood these risks and accepted them.

5. Mr. Sultan is currently \$8,850 in arrears on his legal bills, and I have been billing Mr. Sultan at my customary rate of \$525 per hour. With depositions looming plus the additional foreseeable incidents in this case, including dispositive motions and a pre-trial order, Mr. Sultan is looking at additional billing conservatively estimated to be in excess of 30 additional hours, at an expense conservatively estimated in excess of \$30,000, which neither Mr. Sultan nor Sultan Capital Group LLC have nor foreseeably will have to pay me.

6. Under the circumstances, it will be unreasonably difficult for the undersigned to continue representing Mr. Sultan. See, *In Re Tustaniwsky*, 758 F.3d 179 (2d Cir. 2014)

7. To forestall any objection that Mr. Sultan is doing this as a delaying tactic, whereby he will be hiring another lawyer only to fire that lawyer, Mr. Sultan has stated in his declaration the he intends to proceed pro se. See Sultan Declaration ¶3

8. As to Sultan Capital Group, LLC, Mr. Sultan has indicated that he understands that a limited liability company cannot appear in court without counsel yet asks the court to grant such consideration as it may deem fit and appropriate. Id. Under the circumstances, I move on behalf of Defendant Sultan Capital Group that it be granted ten (10) days after grant of this motion to retain counsel or else be in default.

9. In accordance with Your Honor's rule VI(A)(2)(b), I consulted with counsel for Plaintiff by email on January 25, 2022 and asked if he had a position on the within motion.

Jeffrey Fleischmann, Esq. advised by email that Plaintiff does not oppose this motion.

WHEREFORE, I move to be relieved from representing the defendants Guy Sultan and Sultan Capital Group, LLC.

*s/ Paul M. Sod*

Paul M. Sod

Attorney for Defendants Sultan Capital Group LLC  
and Guy Sultan

Affirmed to be true this  
January 26, 2022.